

Remarks

This Response to Office Action is responsive to the Office Action mailed on January 31, 2006. Entry of this Response and reconsideration of the instant application in view thereof are respectfully requested.

Claims 1 and 3-10 are pending in the above-referenced Application. Claims 1 and 3-10 are rejected.

Claims 1, 4 and 7 have been amended. Claims 11-21 have been added. Support for these amendments and new claims is found on pages 14-15 of the specification. No new matter has been added.

Objection

Claim 4 is objected to because the amended term "fatty acids ester" is incorrect and should read "fatty acid esters." In view of the above amendments, this objection should be withdrawn.

Rejection under 35 U.S.C. §103

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bors et al. (U.S. Patent No. 5,484,849). Applicants submit that Bors et al. neither teach nor disclose the claimed invention because Bors et al. do not disclose a polymer having pendant crosslinking groups provided as polymer particles comprising from 10 to 70 weight %, based on a weight of said polymer particles, of a first polymer phase and from 30 to 90 weight %, based on the weight of said polymer particles, of a second polymer phase.

Bors et al. disclose an aqueous dispersion containing copolymer particles made up of at least two mutually incompatible copolymers, but do not disclose first and second polymer phases with specific weight percentages required for nonyellowing films. See, col. 4, lines 16-18. From the teaching of Bors et al, it would require one skilled in the art to perform undue experimentation to provide compositions and methods that make nonyellowing films. As such, Applicants request this rejection be withdrawn.

Double Patenting Rejection

Claims 1, 4, 5, 7 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 7 of copending Application No. 10/858,872. Applicants respectfully submit that they will

provide an appropriate terminal disclaimer and showing of common ownership in the event that the subject rejection becomes a non-provisional rejection.

Conclusion

In view of the above remarks, Applicants believe that the pending claims are in condition for allowance, and early and favorable action is earnestly solicited.

This Paper is believed to be timely filed. If any fees are deemed required for consideration of this Response, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 18-1850.

Respectfully submitted,



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